

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Revise
Commission General Order Number 95 Pursuant
to D.05-01-030.

Rulemaking 05-02-023
(Filed February 24, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON ADJUDICATIVE FACTS AT HEARING**

In response to an inquiry regarding the June 7, 2005 Scoping Memo in this proceeding, this ruling confirms that the evidentiary hearing in this quasi-legislative proceeding will consider adjudicative facts, including disputed issues of fact, regarding the necessity for and elements of particular provisions of a rule dealing with wireless antennas. This is in contrast to a formal hearing in a quasi-legislative proceeding in which testimony is offered on legislative facts. The distinction is important under Rule 8 of the Rules of Practice and Procedure, which requires that the Assigned Commissioner conduct a formal hearing in which testimony goes to legislative facts rather than adjudicative facts. Where, as here, the hearing will consider adjudicative facts, the Assigned Commissioner may appoint an administrative law judge (ALJ) to preside. In this case, ALJ Glen Walker has been appointed to preside at the evidentiary hearing.

IT IS RULED that the evidentiary hearing scheduled for October 18-20, 2005, Commission Court Room, State Office Building, 505 Van Ness Avenue, San Francisco, California, in this proceeding will consider adjudicative facts; pursuant to Rule 8(e) and (f) of the Rules of Practice and Procedure, Administrative Law Judge Glen Walker will preside over the evidentiary hearing.

Dated June 10, 2005, at San Francisco, California.

/s/ GLEN WALKER

Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Adjudicative Facts at Hearing on all parties of record in this proceeding or their attorneys of record.

Dated June 10, 2005, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.